THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6684 of 2007

Date: 09.04.2007

Between:

The Cosmopolitan Co-operative Housing Society and another.
....Petitioners

And

The District Registrar and another.
....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.6684 of 2007

O R D E R:

The first petitioner is a Co-operative Housing Society. It claims to have purchased an extent of Ac.21.12 guntas of land in Survey Nos.16 and 17 of Mansurabad Village, Ranga Reddy District, from one Mr.Malakonda Reddy. Thereafter, the land was divided into plots and sale deeds were executed in favour of individual members, including the second petitioner. With a view to sell the plot allotted and transferred to him, the second petitioner executed a sale deed and presented it before the second respondent for registration. The grievance of the petitioners is that the second respondent is not receiving the document for registration, alleging that there is dispute about the title to the property. Petitioners contend that the second respondent cannot undertake any adjudication into title disputes and in fact, the dispute in relation to the land was resolved long back by civil Court in O.S.No.294 of 2000. They seek direction to the second respondent to receive and process the document

for registration.

Heard the learned counsel for the petitioners.

Learned Government Pleader for Revenue, on instructions, submits that the second respondent wanted to verify the source of title of the petitioners and that the land in Survey Nos.16 and 17 of Mansurabad Village belongs to Government.

The first petitioner had purchased the vast extent of land and allotted plots to various Members. Several Members are said to have transferred their plots to third parties. The Registering Authority is not vested with the power to adjudicate disputes of title. It is only when the lands assigned by the Government are sought to be transferred, that he can refuse registration, in view of the prohibition contained in Section 5 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. Further, if there exist any other reasons, enabling the registering authority to refuse registration, he has to furnish the same by way of communication. The second respondent cannot refuse to entertain any document. Such a course would run contrary to the very functions assigned to him under the Registration Act.

For the foregoing reasons, the Writ Petition is

disposed of, directing the second respondent to receive and process the document that may be presented by the second petitioner or other Members of the first petitioner-Society, for registration. In case, he finds any reasons or grounds for refusing registration, he shall communicate the same in writing to the petitioners, within two (2) weeks from the date of presentation of the document. There shall be no order as to costs.

09.04.2007

JSU